

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

The Scotts Company,
Plaintiff,

-V-

Case No. C2-03-1082
JUDGE SMITH
Magistrate Judge Abel

ITT Industries, Inc.,
Defendant.

ORDER STAYING CASE

This matter is before the Court on the parties' Joint Motion to Stay Pending Appeal of the California Superior Court Ruling (Doc. 60). After consideration of the arguments of the parties, the Court hereby **ORDERS** that this matter shall be and hereby is **STAYED** pending a decision of the California appellate court on Scotts' appeal of the decision of the California Superior Court granting ITT summary adjudication against Scotts in *Cannon Electric, Inc. v. Affiliated FM Insurance Company*, Case No. BC 290354 (Los Angeles Superior Court). It is **FURTHER ORDERED** that the parties shall provide a status report to the Court within twenty-one (21) days after the issuance of the decision of the California appellate court and shall at that time advise this Court of what further proceedings they believe are appropriate in this Court.

The Clerk shall remove Document 60 from the Court's pending motions list.

IT IS SO ORDERED.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT